

[Third Reprint]

SENATE, No. 761

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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SYNOPSIS

“Earn Your Way Out Act”; requires DOC to develop inmate reentry plan and establish information database; establishes administrative parole release and provides compliance credits.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 14, 2019, with amendments.

(Sponsorship Updated As Of: 11/26/2019)

1 AN ACT concerning prisoner reentry, and amending and
2 supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) This act shall be known and may be cited as
8 the “Earn Your Way Out Act.”

9

10 2. (New section) As used in this act:

11 “Administrative parole release” means the release of an adult
12 inmate who has met the criteria set forth in section 4 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) at the time of
14 primary or subsequent parole eligibility. Administrative parole release
15 occurs after a hearing officer reviews the preparole report and the
16 inmate is certified for release by an assigned member of the board
17 panel. Administrative parole release shall not require a parole
18 consideration hearing.

19 “Reentry plan” means a plan prepared by appropriate staff within
20 the Department of Corrections ³**[Division of Reentry]**³ and
21 ³**[Rehabilitative Services]** State Parole Board³ designed to prepare an
22 inmate for successful integration as a productive, law-abiding citizen
23 upon release from incarceration.

24

25 3. (New section) a. The Commissioner of Corrections ³**and**
26 Chairman of the State Parole Board³ shall ³**[establish a Division of**
27 **Reentry and Rehabilitative Services to]**³ coordinate reentry
28 preparation and other rehabilitative services ³**[within]** for inmates in³
29 all State correctional facilities ³**[,** and act as a liaison to the State
30 Parole Board,³ pursuant to P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 Appropriate staff within the ³**[division]** Department of
33 Corrections and State Parole Board³ shall be responsible for engaging
34 with each inmate to develop and implement an individualized,
35 comprehensive reentry plan for services during the inmate’s
36 incarceration. This plan may be refined and updated during
37 incarceration as needed, and shall include recommendations for
38 ³**[community]** community-based³ services prior to the inmate’s actual
39 return to the community. ¹**[The comprehensive reentry plan shall be**
40 **designed to prepare an inmate for successful integration as a**
41 **productive, law-abiding citizen upon release from incarceration.]**¹
42 Appropriate staff within the ³**[division]** Department of Corrections

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted February 8, 2018.

²Assembly ALP committee amendments adopted October 15, 2018.

³Assembly AAP committee amendments adopted November 14, 2019.

1 and State Parole Board³ shall ³coordinate with appropriate
2 departments within the Department of Corrections, the State Parole
3 Board, and the community, to³ determine what medical, psychiatric,
4 psychological, educational, vocational, substance abuse, and social
5 rehabilitative services shall be incorporated into a comprehensive
6 reentry plan in order to prepare each inmate for successful integration
7 upon release. The Department of Corrections shall establish
8 guidelines, timelines, and procedures to govern the institutional reentry
9 plan process.

10 b. ³The division, in coordination with the³ Appropriate staff
11 within the Department of Corrections and³ State Parole Board ³and
12 the community,³ shall compile and disseminate to inmates
13 information concerning organizations and programs, whether faith-
14 based or secular programs, which provide assistance and services to
15 inmates reentering society after a period of incarceration. In compiling
16 this information, the ³coordinator³ appropriate staff³ shall consult
17 with non-profit entities ³, including but not limited to the New Jersey
18 Institute for Social Justice,³ that provide informational services
19 concerning reentry, ³and³ the Executive Director of the Office of
20 Faith-based Initiatives in the Department of State, and the Corrections
21 Ombudsperson in, but not of, the Department of the Treasury.

22 c. The ³division³ State Parole Board³ shall ensure that all
23 inmates are made aware of and referred to organizations which provide
24 services in the county where the inmate is to reside after being released
25 from incarceration. The ³division³ State Parole Board³ shall assist
26 inmates in gaining access to programs and procuring the appropriate
27 post-release³ services.

28 d. The Department of Corrections ³and State Parole Board³ may
29 employ professional and clerical staff as necessary within the limits of
30 available appropriations.

31

32 4. (New section) a. Notwithstanding the provisions of subsection
33 a. of section 9 of P.L.1979, c.441 (C.30:4-123.53), an adult inmate
34 shall be administratively released on parole at the time of primary or
35 subsequent parole eligibility provided that:

36 (1) the inmate has not been previously convicted of, adjudicated
37 delinquent for, or is currently serving a sentence imposed for any
38 crime enumerated in subsection d. of section 2 of P.L.1997, c.117
39 (C.2C:43-7.2); subsection c. or g. of N.J.S.2C:43-6;³ subsection b. of
40 section 2 of P.L.1994, c.133 (C.2C:7-2); or section 3 of P.L.1998, c.71
41 (C.30:4-27.26);

42 (2) the inmate has not committed any prohibited acts required to be
43 reported to the prosecutor pursuant to regulations promulgated by the
44 commissioner during the current period of incarceration, and has not
45 committed any serious disciplinary infraction, designated in
46 regulations promulgated by the commissioner as a prohibited act that

1 is considered to be the most serious and results in the most severe
2 sanctions, within the previous two years;

3 (3) the inmate has completed relevant rehabilitation programs ³, as
4 determined by the Department of Corrections and State Parole Board,³
5 available at the correctional facility or applied for but was unable to
6 complete or was denied access to these programs due to circumstances
7 beyond the inmate's control including, but not limited to, capacity
8 limitations or exclusionary policies of these programs; and

9 (4) crime victims have received notification as required by law.

10 b. In the case of an inmate who meets the criteria set forth in this
11 section for administrative parole release, a hearing shall not be
12 required pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55).
13 An inmate released on parole pursuant to subsection a. of this section
14 shall, during the term of parole supervision, remain in the legal
15 custody of the Commissioner of Corrections, be supervised by the
16 Division of Parole of the State Parole Board, and be subject to the
17 provisions and conditions established by the appropriate board panel in
18 accordance with the procedures and standards set forth in section 15 of
19 P.L.1979, c.441 (C.30:4-123.59). If the parolee violates a condition of
20 parole, the parolee shall be subject to the provisions of sections 16
21 through 19 of P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63)
22 and may have his parole revoked and be returned to custody. If
23 revocation and return to custody are deemed appropriate, the
24 appropriate board panel shall revoke the parolee's release and return
25 the parolee to custody and confinement pursuant to the provisions of
26 section 3 of P.L.1997, c.117 (C.30:4-123.51b).

27 c. Denials of administrative parole release shall be appealable in
28 accordance with section 14 of P.L.1979, c.441 (C.30:4-123.58).

29 d. A criminal justice program at a four-year public institution of
30 higher education in this State shall conduct a study of all inmates
31 whose primary parole eligibility date was within the five years
32 immediately preceding the implementation of P.L. c. (C.)
33 (pending before the Legislature as this bill) and the five years
34 immediately following the implementation of P.L. c. (C.)
35 (pending before the Legislature as this bill). The study shall include,
36 but not be limited to, the number of inmates who met the criteria set
37 forth in subsection a. of this section, the number of inmates who did
38 not meet the criteria, and the reasons an inmate did not meet the
39 criteria.

40
41 5. (New section) Notwithstanding the provisions of subsection a.
42 of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person granted
43 parole, except a person serving a parole term set forth in subsection c.
44 of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or section 2 of P.L.1994,
45 c.130 (C.2C:43-6.4), shall have the parole term reduced by parole
46 compliance credits at a rate of ²five days per month for each month
47 the person is in compliance with the conditions of parole, and has not
48 committed a serious or persistent infraction not overturned by appeal

1 or administrative review. Any person granted parole who is not in
2 compliance with the conditions of parole and receives a sanction
3 requiring satisfaction of a condition of parole shall not receive parole
4 compliance credits until the parole condition is successfully
5 completed. Upon completing the condition, parole compliance credits
6 shall be awarded for the time period between imposition of a sanction
7 and completion of the condition **】** one day for every six days of parole
8 supervision the person has completed.

9 Credits awarded pursuant to this section shall cease to accrue upon
10 the issuance of a warrant by the State Parole Board and initiation of
11 parole revocation proceedings. Any credits earned pursuant to this
12 section shall be forfeited upon the revocation of parole.

13 Any compliance credits awarded pursuant to this section based on
14 actions for which parole revocation proceedings were initiated, but did
15 not result in a revocation of parole and return to custody, shall be
16 forfeited upon a determination by the board panel or board that the
17 actions for which compliance credits were awarded violated a
18 condition of parole².

19
20 6. (New section) The Commissioner of Corrections shall
21 establish and maintain a centralized database of information
22 contained on each disciplinary report prepared by a corrections
23 officer in response to an inmate committing any prohibited act
24 required to be reported to the prosecutor pursuant to regulations
25 promulgated by the commissioner that resulted in a conviction
26 during the current period of incarceration.

27
28 7. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
29 read as follows:

30 1. a. This act shall be known and may be cited as the "Parole
31 Act of 1979."

32 b. In this act, unless a different meaning is plainly required:

33 (1) "Adult inmate" means any person sentenced as an adult to a
34 term of incarceration.

35 (2) "Juvenile inmate" means any person under commitment as a
36 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
37 (C.2A:4A-44).

38 (3) "Parole release date" means that date certified by a member
39 of the board for release of an inmate after a review of the inmate's
40 case pursuant to section 11, 13 or 14 of this act.

41 (4) "Primary parole eligibility date" means that date established
42 for parole eligibility for adult inmates pursuant to section 7 or 20 of
43 this act.

44 (5) "Public notice" shall consist of lists including names of all
45 inmates being considered for parole, the county from which **【**he
46 **was】** the inmates were committed and the **【**crime**】** crimes for which
47 **【**he was**】** the inmates were incarcerated. At least 30 days prior to
48 parole consideration ¹**【**such**】** the¹ lists shall be forwarded to the

1 office of the public defender of each county or the private attorney
2 of record for the inmates, the prosecutor's office of each county, the
3 sentencing court, the office of the Attorney General, any other
4 criminal justice agencies whose information and comment may be
5 relevant, and news organizations.

6 (6) Removal for "cause" means **¹[such]**¹ substantial cause **¹[as]**
7 **¹that**¹ is plainly sufficient under the law and sound public policy
8 touching upon qualifications appropriate to a member of the parole
9 board or the administration of **¹[said]** **¹the**¹ board such that the
10 public interest precludes the member's continuance in office.
11 **¹[Such cause]** **¹Cause**¹ includes, but is not limited to, misconduct in
12 office, incapacity, inefficiency **[and]**, nonfeasance , and violations
13 of the Parole Board's Code of Ethics .

14 (7) "Commission" means the Juvenile Justice Commission
15 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
16 170).

17 (8) "Parole officer" means, with respect to an adult inmate, an
18 officer assigned by the Chairman of the State Parole Board or
19 **¹[his]** **¹the chairman's**¹ designee and, with respect to a juvenile
20 inmate, a person assigned by the commission.
21 (cf: P.L.2001, c.79, s.2)

22
23 8. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
24 read as follows:

25 9. a. An adult inmate who is not eligible for administrative
26 parole release pursuant to section 4 of P.L. c. (C.) (pending
27 before the Legislature as this bill) shall be released on parole at the
28 time of primary parole eligibility, unless information supplied in the
29 report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-
30 123.54) or developed or produced at a hearing held pursuant to
31 section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a
32 preponderance of the evidence that the inmate has failed to
33 cooperate in his or her own rehabilitation or that there is a
34 reasonable expectation that the inmate will violate conditions of
35 parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-
36 123.59) if released on parole at that time. **[In reaching such**
37 **determination, the]** **¹The**¹ board panel or board shall state the
38 following on the record:

39 (1) the reasons **[therefor]**.

40 For the purposes of this subsection, "failed to cooperate in his or
41 her own rehabilitation" shall include, in the case of an inmate who
42 suffers from mental illness as defined in section 2 of P.L.1987,
43 c.116 (C.30:4-27.2) that does not require institutionalization, that
44 the inmate failed to fully participate in or cooperate with all
45 prescribed treatment offered during incarceration**]** for a denial of
46 parole, specifically providing evidence to support the denial of
47 parole based on factors that may be deemed subjective; and

1 (2) the reasons for the established future parole eligibility date,
2 specifically providing an explanation of why and how the board
3 panel or board determined the amount of time an inmate ¹['must'] is
4 required to¹ wait for a subsequent parole hearing.

5 b. A juvenile inmate shall be released on parole when it shall
6 appear that the juvenile, if released, will not cause injury to persons
7 or substantial injury to property.
8 (cf: P.L.1998, c.112, s.1)

9
10 9. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
11 read as follows:

12 10. a. At least 120 days but not more than 180 days prior to the
13 parole eligibility date of each adult inmate, a report concerning the
14 inmate shall be filed with the appropriate board panel, by the staff
15 members designated by the superintendent or other chief executive
16 officer of the institution in which the inmate is held.

17 b. (1) The report filed pursuant to subsection a. shall contain
18 preincarceration records of the inmate, including any history of civil
19 commitment, any disposition which arose out of any charges
20 suspended pursuant to N.J.S.2C:4-6 including records of the
21 disposition of those charges and any acquittals by reason of insanity
22 pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the
23 current period of confinement, include a complete report on the
24 inmate's social and physical condition, include an investigation by
25 the Division of Parole of the inmate's parole plans, and present
26 information bearing upon the likelihood that the inmate will commit
27 a crime under the laws of this State if released on parole. The
28 report shall also include a complete psychological evaluation of the
29 inmate in any case in which the inmate was convicted of a first or
30 second degree crime involving violence and:

31 (a) the inmate has a prior acquittal by reason of insanity
32 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
33 N.J.S.2C:4-6; or

34 (b) the inmate has a prior conviction for murder pursuant to
35 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
36 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
37 endangering the welfare of a child which would constitute a crime
38 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
39 would constitute a crime of the third degree pursuant to P.L.1992,
40 c.209 (C.2C:12-10); or

41 (c) the inmate has a prior diagnosis of psychosis.

42 The inmate shall disclose any information concerning any history
43 of civil commitment.

44 The preincarceration records of the inmate contained in the
45 report shall include any psychological reports prepared in
46 connection with any court proceedings.

47 (2) At the time of sentencing, the prosecutor shall notify any
48 victim injured as a result of a crime of the first or second degree or
49 the nearest relative of a murder victim of the opportunity to present

1 a written or videotaped statement for the parole report to be
2 considered at the parole hearing or to testify to the parole board
3 concerning his harm at the time of the parole hearing. Each victim
4 or relative shall be responsible for notifying the board of his
5 intention to submit such a statement and to provide an appropriate
6 mailing address.

7 The report may include a written or videotaped statement
8 concerning the continuing nature and extent of any physical harm or
9 psychological or emotional harm or trauma suffered by the victim,
10 the extent of any loss of earnings or ability to work suffered by the
11 victim and the continuing effect of the crime upon the victim's
12 family. At the time public notice is given that an inmate is being
13 considered for parole pursuant to this section, the board shall also
14 notify any victim or nearest relative who has previously contacted
15 the board of the availability to provide a written or videotaped
16 statement for inclusion in the parole report or to present testimony
17 at the parole hearing.

18 The board shall notify ¹~~["such person"]~~ the victim or relative¹ at
19 ¹~~["his"]~~ the victim's or relative's¹ last known mailing address.

20 (3) If the inmate meets the requirements for administrative
21 parole release pursuant to section 4 of P.L. c. (C.) (pending
22 before the Legislature as this bill) the report shall indicate ¹~~["such"]~~
23 this¹ eligibility.

24 c. A copy of the report filed pursuant to subsection a. of this
25 section, excepting those documents which have been classified as
26 confidential pursuant to rules and regulations of the board or the
27 Department of Corrections, shall be served on the inmate at the time
28 it is filed with the board panel. The inmate may file with the board
29 panel a written statement regarding the report, but shall do so within
30 105 days prior to the primary parole eligibility date.

31 d. Upon receipt of the public notice pursuant to section 1 of
32 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor , a public
33 defender, or a private attorney of record may request from the
34 parole board a copy of the report on any adult inmate prepared
35 pursuant to subsection a. of this section, which shall be
36 expeditiously forwarded to the county prosecutor by the parole
37 board by mail, courier, or other means of delivery. Upon receipt of
38 the report, the prosecutor has 10 working days to review the report
39 and notify the parole board of the prosecutor's comments, if any, or
40 notify the parole board of the prosecutor's intent to provide
41 comments. If the county prosecutor does not provide comments or
42 notify the parole board of the prosecutor's intent to provide
43 comments within the 10 working days, the parole board may
44 presume that the prosecutor does not wish to provide comments and
45 may proceed with the parole consideration. Any comments
46 provided by a county prosecutor shall be delivered to the parole
47 board by the same method by which the county prosecutor received
48 the report. The confidentiality of the contents in a report which are

1 classified as confidential shall be maintained and shall not be
2 disclosed to any person who is not authorized to receive or review a
3 copy of the report containing the confidential information.

4 e. Any provision of this section to the contrary
5 notwithstanding, the board shall by rule or regulation modify the
6 scope of the required reports and time periods for rendering such
7 reports with reference to county penal institutions.

8 f. Notwithstanding any provision of this section, the board may
9 modify the time periods for submitting the reports required pursuant
10 to this section in processing an inmate whose parole eligibility date
11 is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-
12 123.55).

13 (cf: P.L.2001, c.141, s.3)

14
15 10. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to
16 read as follows:

17 11. a. Prior to the parole eligibility date of each adult inmate, a
18 designated hearing officer shall review the reports required by
19 section 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine
20 whether:

21 (1) the inmate is eligible for administrative parole release
22 pursuant to section 4 of P.L. c. (C.) (pending before the
23 Legislature as this bill). If an inmate is eligible for administrative
24 parole release, the hearing officer shall at least 60 days prior to the
25 inmate's parole eligibility date recommend in writing to the
26 assigned member of the board panel that administrative parole
27 release be granted pursuant to section 4 of P.L. c. (C.)
28 (pending before the Legislature as this bill); or

29 (2) there is a basis for denial of parole in the preparole report,
30 any risk assessment prepared in accordance with the provisions of
31 subsection e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the
32 inmate's statement, or an indication, reduced to writing, that
33 additional information providing a basis for denial of parole would
34 be developed or produced at a hearing. If the hearing officer
35 determines that there is no basis in the preparole report, the risk
36 assessment, or the inmate's statement for denial of parole and that
37 there is no additional relevant information to be developed or
38 produced at a hearing, he shall at least 60 days prior to the inmate's
39 parole eligibility date recommend in writing to the assigned
40 member of the board panel that parole release be granted.

41 b. If the assigned member of the board panel or in the case of
42 an inmate sentenced to a county penal institution, the assigned
43 member concurs in the hearing officer's recommendation, he shall
44 certify parole release pursuant to section 15 of P.L.1979, c.441
45 (C.30:4-123.59) as soon as practicable after the eligibility date and
46 so notify the inmate and the board. In the case of an inmate
47 recommended for administrative parole release by the hearing
48 officer pursuant to section 4 P.L. , c. (pending before the
49 Legislature as this bill), the assigned member shall review the

1 reports required by section 10 of P.L.1979, c.441 (C.30:4-123.54) to
2 confirm eligibility and if the inmate is eligible, shall certify parole
3 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as
4 soon as practicable after the eligibility date and notify the inmate
5 and the board. In the case of an inmate sentenced to a county penal
6 institution the board shall certify parole release or deny parole as
7 provided by this section, except with regard to time periods for
8 notice and parole processing which are authorized by or otherwise
9 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441
10 (C.30:4-123.51). If the designated hearing officer does not
11 recommend release on parole or if the assigned member does not
12 concur in a recommendation of the designated hearing officer in
13 favor of release, then the parole release of an inmate in a county
14 penal institution shall be treated under the provisions of law
15 otherwise applicable to an adult inmate. In the case of an inmate
16 sentenced to a county penal institution, the performance of public
17 service for the remainder of the term of the sentence shall be a
18 required condition of parole, where appropriate.

19 c. If the hearing officer or the assigned member determines that
20 there is a basis for denial of parole, or that a hearing is otherwise
21 necessary, the hearing officer or assigned member shall notify the
22 appropriate board panel and the inmate in writing of his
23 determination, and of a date for a parole consideration hearing. The
24 board panel shall notify the victim of the crime, if the crime for
25 which the inmate is incarcerated was a crime of the first or second
26 degree, or the victim's nearest relative if the crime was murder, as
27 appropriate, who was previously contacted by the board and who
28 has indicated his intention to the board to testify at the hearing, of
29 the opportunity to testify or submit written or videotaped statements
30 at the hearing. Said hearing shall be conducted by the appropriate
31 board panel at least 30 days prior to the eligibility date. At the
32 hearing, which shall be informal, the board panel shall receive as
33 evidence any relevant and reliable documents or videotaped or in
34 person testimony, including that of the victim of the crime or the
35 members of the family of a murder victim if the victim or a family
36 member so desires. If a victim of a crime or the relative of a
37 murder victim chooses not to testify personally at the hearing, the
38 victim or relative may elect to present testimony to a senior hearing
39 officer designated by the board panel. The senior hearing officer
40 shall notify the victim of the right to have this testimony
41 videotaped. The senior hearing officer shall prepare a report,
42 transcript or videotape, if applicable, of the testimony for
43 presentation to the board panel at the hearing. All such evidence
44 not classified as confidential pursuant to rules and regulations of the
45 board or the Department of Corrections shall be disclosed to the
46 inmate and the inmate shall be permitted to rebut such evidence and
47 to present evidence on his own behalf. The decision of the board
48 panel shall be based solely on the evidence presented at the hearing.

1 d. At the conclusion of the parole consideration hearing, the
2 board panel shall either (1) certify the parole release of the inmate
3 pursuant to section 15 of this act. as soon as practicable after the
4 eligibility date and so notify the inmate and the board, or (2) deny
5 parole and file with the board within 30 days of the hearing a
6 statement setting forth the decision, the particular reasons therefor,
7 except information classified as confidential pursuant to rules and
8 regulations of the board or the Department of Corrections, a copy of
9 which statement shall be served upon the inmate together with
10 notice of his right to appeal to the board.

11 e. Upon request by the hearing officer or the inmate, the time
12 limitations contained in section 10 of P.L.1979, c.441 (C.30:4-
13 123.54) and this section may be waived by the appropriate board
14 panel for good cause.

15 f. Notwithstanding the provision of any other law to the
16 contrary, if an inmate incarcerated for murder is recommended for
17 parole by the assigned board member or the appropriate board
18 panel, parole shall not be certified until a majority of the full parole
19 board, after conducting a hearing, concurs in that recommendation.
20 The board shall notify the victim's family of that hearing and family
21 members shall be afforded the opportunity to testify in person or to
22 submit written or videotaped statements. The provisions of this
23 subsection shall not apply to an inmate who has his parole revoked
24 and is returned to custody pursuant to the provisions of section 19
25 of P.L.1979, c.441 (C.30:4-123.63).

26 g. Notwithstanding the provision of any other law or regulation
27 to the contrary, the board may promulgate rules and regulations for
28 the processing of any inmate whose parole eligibility date is
29 accelerated. For purposes of this section, a parole eligibility date is
30 accelerated when an inmate becomes eligible for parole at the time
31 of or within 120 days of an event or circumstance beyond the
32 control of the parole board, such as sentencing, resentencing or
33 other amendment, including the awarding of additional credit to the
34 original sentence, restoration of authorized institutional time credits
35 or the application of authorized institutional time credits on a future
36 eligibility date established pursuant to subsection a. of section 12 of
37 P.L.1979, c.441 (C.30:4-123.56) or subsection a. of section 20 of
38 P.L.1979, c.441 (C.30:4-123.64). The rules and regulations shall
39 provide for the preparation and review of a preparole report and
40 shall require that a parole consideration hearing be held not more
41 than 120 days after the board has received notice that an accelerated
42 parole eligibility date has been established.

43 (cf: P.L.2001, c.141, s.4)

44

45 11. R.S.30:4-140 is amended to read as follows:

46 30:4-140. For every year or fractional part of a year of a
47 custodial sentence imposed upon any person **【committed to any**
48 **State correctional institution for a minimum-maximum term】** there
49 shall be remitted to **¹【him】** the person¹ from both the maximum and

1 minimum term of **'[his] the person's'** sentence, for continuous
2 orderly deportment, the progressive time credits indicated in the
3 schedule **'[herein] in this section'**. When a sentence contains a
4 fractional part of a year in either the minimum or maximum thereof,
5 then time credits in reduction of **'[such] the'** fractional part of a
6 year shall be calculated at the rate set out in the schedule for each
7 full month of **'[such] the'** fractional part of a year of sentence.
8 **[No time credits shall be calculated as provided for herein on time**
9 **served by any person in custody between his arrest and the**
10 **imposition of sentence.]** In case of any flagrant misconduct the
11 board of managers may declare a forfeiture of the time previously
12 remitted, either in whole or in part, as **'[to them shall seem] they**
13 **deem'** just.

A	B	C
Minimum and Maximum Sentences in Years	Progressive Credits for Minimum and Maximum Sentences in Years (days)	Credits for Each Full Month of Fractional Part of a Year in Excess of Column A (days)
1	72	7
2	156	8
3	252	8
4	348	8
5	444	8
6	540	8
7	636	10
8	756	10
9	876	10
10	996	10
11	1,116	10
12	1,236	11
13	1,368	11
14	1,500	11
15	1,632	11
16	1,764	11
17	1,896	12
18	2,040	12
19	2,184	12
20	2,328	12
21	2,472	12
22	2,616	13
23	2,772	13
24	2,928	13
25	3,084	15
26	3,264	15
27	3,444	15
28	3,624	15
29	3,804	15
30	3,984	16

1
2 Any sentence in excess of 30 years shall be reduced by time
3 credits for continuous orderly deportment at the rate of 192 days for
4 each ¹["such"]¹ additional year or 16 days for each full month of any
5 fractional part of a year. Nothing ¹["herein contained"] in this
6 section¹ shall be deemed to limit or affect ¹["a convict's"] an
7 inmate's¹ eligibility for parole consideration as provided for in
8 section 10 ¹["chapter 84,"] of¹ P.L.1948, ¹c.84 (C.30:4-123.1 et
9 seq.)¹ as amended, in any situation where the sentence or

1 consecutive sentences imposed upon ¹~~['a convict']~~ an inmate¹ shall
2 exceed 25 years.

3 (cf: P.L.1957, c.27, s.1)
4

5 12. (New section) The Commissioner of Corrections shall
6 allocate a portion of any cost savings realized from the enactment
7 of P.L. , c. (pending before the Legislature as this bill) to the
8 Office of Victim Services for the operating costs of the Focus on
9 the Victim Program and other services to facilitate inmates'
10 successful reentry.
11

12 ³~~13.~~ (New section) a. The Commissioner of Corrections, in
13 consultation with the Chairman of the State Parole Board, shall
14 conduct a study to determine the fiscal impact of establishing,
15 pursuant to the provisions of section 3 of P.L. c. (C.)
16 (pending before the Legislature as this bill), a Division of Reentry
17 and Rehabilitative Services, and the responsibilities associated with
18 establishing the division. In conducting the study, the
19 commissioner shall analyze the costs to the State resulting from
20 initial implementation and annual operating expenditures resulting
21 from the establishment of a division, and estimate any cost savings
22 that may be realized from the enactment of P.L. c. (C.)
23 (pending before the Legislature as this bill).

24 b. The commissioner shall issue a report to the Governor and,
25 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
26 Legislature no later than one year following the date of enactment
27 that shall include at a minimum:

28 (1) a determination whether the provisions of section 3 of
29 P.L. c. (C.) (pending before the Legislature as this bill) will
30 result in additional net costs to the department on a recurring fiscal
31 year basis or if the provisions are cost-neutral within the
32 department; and

33 (2) if it is determined that implementation of section 3 of
34 P.L. c. (C.) (pending before the Legislature as this bill) will
35 result in additional net costs to the department, the report shall
36 include an itemized list of the type and amount of the additional net
37 costs.³
38

39 ³~~14.~~ 13.³ This act shall take effect on the first day of the third
40 month following enactment ³~~14.~~, provided however, that section 3 of
41 this act shall take effect either on the earlier of:

42 a. the first day of the third month following one year after the
43 date of enactment if the report issued pursuant to section 13 by the
44 commissioner concludes that section 3 will result in no additional net
45 costs to the department on a recurring fiscal year basis or is cost-
46 neutral within the department; or

1 b. if the report concludes otherwise, upon the effective date of an
2 enactment by law of an appropriation of funds for the express purpose
3 of the implementation of section 31³.